

Notice of Allowability

Application No.

09/420,887

Examiner

David L. Robertson

Applicant(s)

NIZAR ET AL.

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 27 August and the declarations filed 02 November, 2004.
2. ☒ The allowed claim(s) is/are 1-2 and 4-23, now 1-22, respectively.
3. ☒ The drawings filed on 19 October 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

David L. Robertson
Primary Examiner
Art Unit: 2186

REASONS FOR ALLOWANCE

The following is an Examiner's Statement of Reasons for Allowance:

The art of record does not teach or suggest a memory control packet that includes command flag bits for the listed commands where the command flag bits are the first bits in the memory control packet. This limitation overcomes all of the applied rejections.

Applicants' declarations and other remarks have been considered, but are not persuasive. More particularly, with respect to the declarations, the article *Intel Offers SDRAM Alternative to Rambus on Camino Chipset* still qualifies under 102(a). The declarations do not indicate that the article was published either by applicants or on their behalf. The declarations do not indicate that applicants are co-authors of the publication under (see 37 CFR 1.131) or that the other authors were working under the applicants' direction (see 37 CFR 1.132, see also M.P.E.P. § 715.01(c)I.). In fact, the article carries a copyright notice from a company other than the assignee of the present application. Additionally, the declarations do not establish by fact that the author of the noted article derived his or her knowledge of the relevant subject matter from the applicants and that applicants made the invention upon which the relevant disclosure in the article was based (see M.P.E.P. § 715.01(c)II.). Applicant's reliance on M.P.E.P. § 2132.01 and *In re Katz* is inapposite because, as noted above, there is no indication that applicants were co-authors of the publication.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry of a general nature or relating to the status of this application should be directed to the technology center receptionist whose telephone number is **(703) 305-3900**.

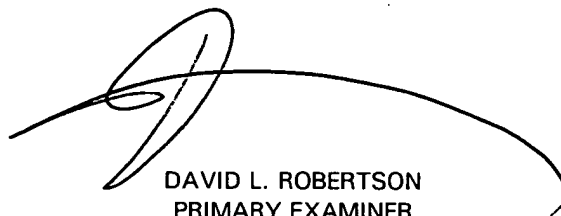
Direct any inquiries concerning drawing review to the Drawing Review Branch (703) 305-8404.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Robertson whose telephone number is (703) 305-3825.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim, can be reached at 305-3821. **The fax number for Official communications is (703) 872-9306.**

Communications which are not application specific may also be posted on e-mail at *David.Robertson@USPTO.gov*.



DAVID L. ROBERTSON
PRIMARY EXAMINER
ART UNIT 2186

December 17, 2004